

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CRANDALL HENDERSON,

Plaintiff,

v.

C. WHITMAN,

Defendant.

OPINION AND ORDER

20-cv-236-wmc

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Plaintiff Crandall Henderson, who was previously incarcerated at Fox Lake Correctional Institution (“Fox Lake”), is proceeding in this civil action under 42 U.S.C. § 1983, against Fox Lake physician Dr. Candace Whitman, on Eighth Amendment deliberate indifference and Wisconsin negligence claims for allegedly ignoring Henderson’s complaints about gastrointestinal distress and headaches. Now before the court is defendant’s unopposed motion to transfer this case to the Eastern District of Wisconsin, under 28 U.S.C. § 1406. (Dkt. #29.) Since venue in this district court is improper, the court will grant defendant’s motion and transfer this case to the Eastern District of Wisconsin.

OPINION

Venue is proper where defendants to a lawsuit reside or where the events giving rise to the claim took place. 28 U.S.C. § 1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Defendant Whitman does not reside in the Western

District of Wisconsin, nor did she reside within this district at the time plaintiff filed his complaint. (Whitman Decl. (dkt. #30) ¶¶ 4-5.) Moreover, the events giving rise to Henderson's claims in this lawsuit occurred in Fox Lake, Wisconsin, which is located in Dodge County, which is in the Eastern District of Wisconsin. 28 U.S.C. § 130(a). Henderson has not opposed the motion. Therefore, the court concludes that venue in this court is improper and transfer of this case to the Eastern District of Wisconsin is appropriate.

ORDER

IT IS ORDERED that:

- 1) Defendant's motion to transfer (dkt. #29) is GRANTED.
- 2) This case is TRANSFERRED to the Eastern District of Wisconsin.

Entered this 10th day of March, 2022.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge